

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/485,750 02/14/00 PUTTKAMMER

F 990351

EXAMINER

MM91/1107

LAW OFFICES OF KARL HORMANN  
86 SPARKS STREET  
CAMBRIDGE MA 02138-2216

MAILING TO:

ART UNIT

PAPER NUMBER

2876

DATE MAILED:

11/07/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/485,750	PUTTKAMMER, FRANK
Examiner	Art Unit	
Daniel I Walsh	2876	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 18 is/are rejected.
- 7) Claim(s) 1-17 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

## **DETAILED OFFICE ACTION**

1. Receipt is acknowledged of the Pre-Amendment received on 14 February 2000, and the request for CFR received on 17 May 2000.

### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 5 FIG. 1. Correction is required.

3. The drawings are objected to because:

Re FIG. 12, the graph lacks labels denoting the units of the axes.

Correction is required.

### *Specification*

4. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

5. The disclosure is objected to because of the following informalities:

Re page 13: there is an inadequate description of figure 5; more detail is required.

Re page 14, line 4: Replace "Fig. 5" with -- Fig. 6 --.

6. Applicant(s) are reminded to include the following in the next communication with respect to the header(s) within the specification, as following:

- a) -- Background of the Invention --: The specification should set forth the Background of the Invention in two parts: -- Field of the Invention -- and -- Description of the Related Art --.
- b) -- Brief Summary of the Invention --.
- c) -- Brief Description of the Several Views of the Drawing(s) --.
- d) -- Detailed Description of the Invention --.

Appropriate correction is required.

#### *Claim Objections*

7. Claims 1-18 are objected to because of the following informalities:

Re page 20, line 1: Replace “Parent Claims” with -- What is claimed is.

Appropriate correction is required.

Re claims 1, 2, 3, 4, 7, and 8: Remove all brackets and items inside the brackets.

Re claims 1-18: Remove all bolded terms.

Re claim 1, line 8: Replace “the line” with -- a line --.

Re claim 1, line 10: Replace “5 mm” with -- 5 mm, and nonzero --.

Re claim 2, line 1: Replace “allow” with -- allowing --.

Re claim 2, line 5: Replace “the line” with -- a line --.

Re claim 2, line 7: Replace “5 mm” with -- 5 mm, but nonzero --.

Re claim 5, line 2 and 3: Replace “the width” with -- a width --.

Re claim 6, line 2: Replace “by the fact that the” with -- in that a --.

Re claim 6, line 3: Replace “the same” with -- a same --.

Re claim 7, line 1: Replace “one or more of the preceding claims” with -- claim 1 --.

Re claim 8, line 1: Remove “the”.

Re claim 8, line 3: Replace “by the fact” with -- in --.

Re claim 8, line 4: Replace “the width” and “the largest” with -- a width -- and -- a largest --, respectively.

Re claim 8, line 9: Replace “the same” with -- a same --.

Re claim 8, line 11: Replace “them” with -- the structures --.

Re claim 8, line 12: Replace “the signal” with -- a signal --.

Re claim 9, line 1: Replace “by the fact” with -- in --.

Re claim 10, line 1: Replace “by the fact” with -- in --.

Re claim 11, line 1: Replace “by the fact” with -- in --.

Re claim 11, line 4: Replace “the suppression” with -- suppression --.

Re claim 12: line 1: Replace “by the fact” with -- in --.

Re claim 12, line 3: Replace “.5 mm” with -- .5 mm, and non-zero --.

Re claim 13, line 1: Replace “by the fact” with -- in --.

Re claim 13, line 2: Replace “the distance” with -- a distance --.

Re claim 14, line 2: Replace “by the fact” with -- in --.

Re claim 14, line 4: Replace “preferably biases” with -- biased --.

Re claim 15, line 2: Replace “by the fact” with -- in --.

Re claim 15, line 2: Replace “the shafts” with -- shafts --.

Re claim 15, line 3: Replace “mass” with -- a mass --.

Re claim 16, line 1: Replace “by the fact” with -- in --.

Re claim 17, line 1: Replace “by the fact” with -- in --.

Re claim 17, line 2: Replace “manual” with -- a manual --.

Re claim 18, line 4: Replace “by the fact” with -- in --.

Re claim 18, line 14: Replace “the software” with -- software --.

***Claim Rejections - 35 USC § 112***

8. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 18, lines 5-8, the use of “such a manner” renders the claim vague/indefinite since it is unclear in what manner the structures are arranged.

***Allowable Subject Matter***

9. Claims 1-17 are allowed.
10. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to specifically teach or fairly suggest a structure of optically effective security elements with a metallic reflection layer, characterized by a target-oriented electric code of data by additionally applied beam, grid, bow and/or circularly shaped electrically conductive structures in different planes, with a line thickness of the smallest electrically conductive structure which may be examined being less than or equal to 5mm, but non-zero, and the prior art fails to specifically teach or fairly suggest an apparatus for capacitive examination of documents with optically effective diffraction security elements with a metallic reflection layer,

characterized in that a capacitively operating scanner a width of which is larger than a largest width of a document examiners electrically conductive structures arranged within metallized security elements by means of a plurality of transmitting electrodes arranged in one or more rows in a side by side relationship and with a receiving electrode extending along the transmitting electrodes on a same side as the document to be examined and evaluates them by electronic energizing and evaluation circuits arranged in the scanner for comparing a signal pattern of the document to be examined with the corresponding references signal patterns.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Weber (US 4,255,652), Kaule (US 5,248,544), Edwards (US 5,388,862), Wilhelm (US 6,243,202), Antes (US 5,101,184), Chevillat et al (US 4,400,616), and Hori (JP408282163A).
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Daniel Walsh** whose telephone number is **(703)305-1001**. The examiner can normally be reached between the hours of 7:30am to 4:00pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for this Group is (703) 308-7722, (703) 308-7724, or (703) 308-7382.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [daniel.walsh@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

DIW  
Patent Examiner  
10/29/01



KARL D. FRECH  
PRIMARY EXAMINER